

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE: NEW ENGLAND)	
COMPOUNDING PHARMACY, INC.)	MDL No. 2419
PRODUCTS LIABILITY LITIGATION)	Dkt. No. 1:13-md-2419-RWZ
_____)	
)	
This Document Relates to:)	
)	
All Cases)	
_____)	

Notice of Filing

Saint Thomas Outpatient Neurosurgical Center, LLC, Howell Allen Clinic, a Professional Corporation, John Culclasure, M.D., Debra Schamberg, R.N., Specialty Surgery Center, Crossville, PLLC, Kenneth Lister, M.D., and Kenneth Lister, M.D., P.C. (collectively "the Tennessee Defendants"), hereby file the following documents:

1. An updated "clean" version of their proposed deposition protocol (Exhibit A to this Notice), and
2. An updated "redline" version of their proposed deposition protocol (Exhibit B to this Notice).

On March 7, 2014, the Tennessee Defendants filed their Response to the PSC's Motion for Entry of ESI and Deposition Protocols [Dkt. 981]. With their Response, the Tennessee Defendants attached clean and redline versions of their proposed deposition protocol as exhibits to the Response [Dkts. 981-1, 981-2].

Since the filing of the Response, the PSC filed an updated deposition protocol [Dkt. 994-1], adding new provisions. Additionally, the Saint Thomas Entities¹ filed a proposed deposition protocol with different, additional provisions [Dkt. 983-1, 983-2].

¹ Saint Thomas West Hospital f/k/a St. Thomas Hospital, Saint Thomas Network, Saint Thomas Health.

The attached, updated clean deposition protocol (Exhibit A) replaces the clean deposition protocol previously filed by the Tennessee Defendants [Dkt. 981-1]. The attached, updated redline deposition protocol (Exhibit B) replaces the redline version previously filed by the Tennessee Defendants [Dkt. 981-2].

The updated protocols incorporate (1) the new provisions proposed by the PSC and (2) the additional changes proposed by the Saint Thomas Entities.²

Respectfully, the Court should be able to refer to the updated redline deposition protocol attached as Exhibit B to view the differences between the PSC's proposed deposition protocol [Dkt. 994-1] and the proposals of the Tennessee Defendants (Exhibit A) and the Saint Thomas Entities [Dkt. 983-1].³ The updated clean version attached as Exhibit A represents the Tennessee Defendants' final proposed deposition protocol.

² The Tennessee Defendants join the Saint Thomas Entities in requesting that the Court include these additional provisions in the deposition protocol. There is some minor variation in language between the Tennessee Defendants' proposal and the Saint Thomas Entities' proposal, as noted in the footnotes of the attached clean and redline protocols.

³ The Tennessee Defendants hope this will eliminate the need for the Court to compare, identify, and reconcile the differences between the three proposals.

Respectfully submitted,

GIDEON, COOPER & ESSARY, PLC

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CERTIFICATE OF SERVICE

I hereby certify that this document filed through the CM/ECF system will be served electronically to the registered participants identified on the Notice of Electronic Filing and copies will be e-mailed or mailed via regular U.S. mail to those participants identified as unregistered this 12th day of March, 2014.

/s/ Chris Tardio

Chris Tardio

⁴ Admitted pursuant to MDL Order No. 1.

⁵ Admitted *pro hac vice*.